

**BOARD OF COUNTY COMMISSIONERS
LEON COUNTY, FLORIDA
REGULAR MEETING
MAY 27, 2003
DRAFT**

The Board of County Commissioners of Leon County, Florida met in regular session with Chairman Grippa presiding. Present were Commissioners Sauls, Thael, Winchester, Proctor, Rackleff and Maloy. Also present were County Attorney Herb Thiele, County Administrator Parwez Alam, and Deputy Clerk Secretary Sandra C. O'Neal. The meeting was called to order at 5:00 p.m.

Invocation was provided by Chairman Tony Grippa who gave a special tribute to School Board Member Scott Dailey who recently passed away. It was followed by the Pledge of Allegiance to the Flag.

Awards and Presentations

- The Chairman, on behalf of the Board, presented Proclamations to representatives of the Capital Regional Medical Center, the Florida Department of Law Enforcement (FDLE), Tallahassee Memorial HealthCare (TMH), and the Leon County Sheriff's Office in recognition of their cooperation and commitment to the Leon County Health Department in response to the December 13, 2002 request from the President of the United States for communities to respond to the National Bio-terrorism Preparedness Program.
- Proclamations were presented to students from Killearn Lakes Elementary School, Roberts Elementary School, Swift Creek Elementary School, and Kate Sullivan Elementary School for making ribbons as part of the Yellow Ribbon Campaign in support of U.S. Troops. Proclamations included Premier Construction, the Ghazvini Family and Tom Asbury for their sponsorship of the Yellow Ribbon Campaign and donation of 40,000 yards of yellow ribbon. The students distributed ribbons to Commissioners, the County Administrator and the County Attorney.
- A resolution was presented to Sarah Latimer, Youth Services Librarian, for her professional actions and good judgement in preventing a crime on behalf of the LeRoy Collins Leon County Public Library System.
- A resolution was presented to Lonnie Rackley, celebrating thirty (30) years of dedicated service as an "Ambassador of Goodwill" for the Tallahassee Parks and Recreation Department -The Chairman announced that this item would be continued and placed on a future agenda.

Consent

Commissioner Sauls moved, duly seconded by Commissioner Winchester and carried unanimously, 7-0 to approve the following Consent Agenda:

1. Approval of Minutes

The Board approved the Minutes of May 13, 2003 Regular Meeting.

2. Approval of Payment of Bills and Vouchers Submitted for May 27, 2003 and Pre-approval of Payment of Bills and Vouchers submitted for May 28, through June 9, 2003

The Board approved Option 1: Approve payment of bills and vouchers submitted for approval for May 27, 2003, \$962,885.93, and pre-approved payment of bills and vouchers submitted from May 28, through June 9, 2003.

3. Approval of the Contract (Contract #BJP02) Between the State of Florida, Department of Children and Families (DCF) and Leon County for the Supervised Visitation Program of Tallahassee

The Board approved Option 1: Approve contract #BJP02, attached budget resolution and budget amendment request:

4. Approval of the Contract (Contract #BJP05) Between the State of Florida, Department of Children and Families (DCF) and Leon County for Juvenile Dependency Mediation Services

The Board approved Option 1: Approve Contract #BJP05, attached budget resolution and associated budget amendment request:

5. Approval to Accept the Modification in the Emergency Management, Preparedness and Assistance Trust Fund (EMPATF) from the Florida Department of Community Affairs (DCA) in the amount of \$3,888

The Board approved Option 1: Accept the modification tot he agreement in the amount of \$3,888 and authorize the Chairman to execute the agreement modification, the attached budget resolution and budget amendment request:

6. Reorganization of the Department of Community Development

The Board approved Option 1: Confirm the reorganization of the Department of Community Development as described in the attached agenda request:

7. Approval of Revised Board Meeting Implementation Schedule

The Board approved Option 1: Approve the revised Board meeting implementation schedule as shown in Attachment #1; direct staff to implement the new schedule effective June 2003:

8. Approval to Schedule a Workshop On Review of Board-Appointed Citizen Advisory Committees and Government-in-the-Sunshine Law Requirements

The Board approved Option 1: Schedule a workshop on Tuesday, June 24, 2003 from 3:00 – 4:00 p.m. to review Board appointed Citizen Committees and Government-in-the Sunshine requirements.

9. Acceptance of the City of Tallahassee's Local Law Enforcement Block Grant for Partial Funding of the Adult and Juvenile Drug Court Programs

The Board approved Options 1 and 2: 1) Accept the City of Tallahassee's Local Law Enforcement Block Grant (LLEBG) in the amount of \$39,600 to partially fund \$22,500 for the Adult and \$17,100 for the Juvenile Drug Court Programs and authorize the Chairman to sign the agreements; 2) Approve the attached budget resolutions and related budget amendment forms:

10. Acceptance of Status Report on the Bruce J. Host Library Center Renovation Project

The Board approved Option 1: Accept the attached status report and time line on the renovation of the Bruce J. Host Library Center:

11. Acceptance of the Summer Library Reading Partnership Library Services and Technology Act (LSTA) Grant

The Board approved Option 1: Accept the LSTA Grant award in the amount of \$7,500 for the Summer Library Reading Partnership Pilot, authorizing the Chairman to sign the grant agreement and approve the attached resolution and budget amendment request:

12. Approval to Schedule Two Public Hearings on Rezoning Application (Lake Protection to Residential Protection), Implementing Future Land Use Plan Map Amendment Request

The Board approved Option 1: Approve the request to schedule the first public hearing on the rezoning application initiating a Comprehensive Plan Map Amendment from lake protection to residential preservation in the Perkins Road closed basin on Tuesday, June 10, 2003 at 6:00 p.m.

13. Acceptance of the Update on the Bradfordville Settlement Agreements

The Board approved Option 1: Accept the attached status report on the Bradfordville Settlement Agreements:

14. Approval to Schedule a Workshop on Sunsetting of Vested Development Rights

The Board approved Option 1: Approve the request to schedule a Sunsetting of Vested Rights Workshop on Tuesday, July 8, 2003 from 2:30 p.m. – 4:00 p.m.

15. Approval to Award the Bid for the Meridian/Maclay Intersection and the Mt. Sinai Improvement Projects to Allen's Excavation, Inc., in the Amount of \$485,891

The Board approved Options 1 and 2: Approve award of bid for the Meridian/Maclay Intersection and the Mt. Sinai Improvement Projects to Allen's Excavation, Inc., in the total amount of \$485,892; 2) Approve the attached resolution and budget amendment in the amount of \$30,000:

16. Approval of the Plat of Sunset Subdivision (a Private Subdivision) for Recording into Public Records

The developers, Russell R. Bevis, Marian B. Bevis, Charles B. Harvey, Sr. and Mary Harvey, owners in fee simple of the lands being subdivided, request the Board approve the plat of Sunset Subdivision for recording in the public records of Leon County. The Board approved Option 1: Approve the plat of Sunset Subdivision for recording in the public records of Leon County.

17. Approval of Joint Project Agreements and Memorandum of Agreement with the Florida Department of Transportation for the Intersection of Springhill Road and Capital Circle

The Board approved Options 1, 2, and 3: 1) Approve the turn lane joint project agreement in the amount of \$345,000 and authorize the Chairman to execute; 2) Approve the intersection improvements joint project agreement in the amount of \$30,000 and authorize the Chairman to execute; 3) Approve the turn lane memorandum of agreement and authorize the Chairman to execute.

18. Approval of the Gum Road Sewer Extension Agreement with the City of Tallahassee

The Board approved Option 1: Approve the proposed interlocal agreement with the City of Tallahassee for the Gum Road sewer extension project.

19. Approval of Travel Expenses for Commissioner Thael to Attend the Florida Association of Counties (FAC) Annual Conference in Orlando, Florida from June 17 – 20, 2003

The Board approved Option 1: Approve travel expenses as requested pursuant to Board Policy 01-10.

General Business

20. Approval of Resolution Authorizing the Negotiated Sale of the Leon County, Florida Capital Improvement Revenue Bonds Series 2003A and 2003B and Authorizing the Associated Budget Amendments Realizing the Bond Proceeds and Aligning Existing Capital Project Funds

County Attorney Thiele suggested that this item be temporarily postponed since the parties are still working on the sales agreement and resolution.

The Board then entered discussion of Item 21.

The Board then resumed discussion of the Bond Issue.

County Attorney Thiele introduced the following: Jolinda Herring, Bryant Miller and Olive, Bond Counsel; Bob Inzer, Clerk of the Circuit Court; Bill Bogan, Jr., Finance Director; Bill Reagan, William Hough/Financial Advisor; Jim Gollahon, A. G. Edwards Underwriters (Denise Gants, Disclosure Council and Mark Mustian, Underwriters Council were not present).

Mr. Thiele explained that the Board would need to adopt a resolution, which approves the purchase agreement with A. G. Edwards at the rate.

Bill Reagan, Senior Vice President with William R. Hough and Company, County's financial advisor, gave a brief overview and explained that he entered the bond market today on an amount not to exceed \$21 million for the purchase of the Bank of America Building. The tax-exempt portion went for 4.14 percent and the taxable went for 4.88 %, which gives a TIC cost of 4.58 %. Mr. Reagan recommended that the Board accept the offer by A. G. Edwards and Jackson Securities for the yields that are mentioned and in the bond purchase agreement at the cost that is outlined.

Commissioner Maloy moved and was duly seconded by Commissioner Winchester to approve Options 1 and 2: 1) Adopt the attached Resolution No. 03-18 authorizing the negotiated sale of the Leon County, Florida Capital Improvement Revenue Bonds, Series 2003A and 2003B to A. G. Edwards & Sons, Inc, and Jackson Securities LLC; 2) Adopt the attached budget resolution and amendment realizing the Series 2003A and 2003B bond proceeds and realignment of the existing Traffic Court and long term space needs CIPs in accordance with the overall financing plan and establish the operating fund for the Bank of America.

County Attorney Thiele advised that he distributed a memorandum to the Board. Because of some of the issues that had been raised about the economics of the project by Mr. Terry Ryan, one of the issues had to be disclosed in a wire disclosure today (sent to all persons interested in purchasing bonds) along with problems that the County is having with the State budget. A copy was provided to the Chairman. To provide the Board comfort, Mr. Thiele remarked that staff had Dr. Barry Diskin, who is an economist and an appraiser, to do an overview of the issues raised by Mr. Ryan. In essence, Dr. Diskin's findings indicate that there are no problems with the economics of the transaction.

Commissioner Proctor indicated concern that the \$21 million would be deposited into Wachovia Bank and asked if the maker of the motion would be amenable to consider depositing the money in a different bank. The Chairman advised that the Clerk has the sole discretion of deciding upon a depository bank and suggested that Commissioner Proctor take this issue up with the Clerk and noted that he plans to also discuss the issue with the Clerk. Commissioner Proctor remarked that statistics show that Wachovia Bank has not put money into this community and that the bank shows a low percentage of home loans to minorities. Commissioner Rackleff remarked that every financial institution in the community has shortchanged the southside and suggested that it be addressed comprehensively.

Commissioner Thael stated, for the record, that the bond financing is for acquiring the Bank of America Building, improvements to the building to provide additional office space and improvements to the existing Courthouse facility.

Commissioner Rackleff pointed out that the rate of interest is 3.7% for the 15-year bonds, which is phenomenally low and commended the bond counsel.

The Board engaged in some discussion regarding the complaints made by Mr. Terry Ryan and County Attorney Thiele explained that he had talked to the State Attorney and he sees no problems and thinks that the Grand Jury will reject it.

The motion on the floor carried 6 – 1 (Commissioner Proctor voted in opposition).
See attached Resolution 03-18:

The Board resumed discussion of Item 21.

21. Acceptance of the Site and Development Plan Process Review Report

This item presents the Findings and Recommendations of the review of the Site and Development Plan Process. On January 22, 2003, a citizen issued a formal complaint with the County Administrator regarding the approval of the Seminole Raceway site and development plan. Per Section 10-838. C. of the Leon County Code of Laws, a review of the Site and Development Plan Process was initiated.

Alan Rosenzweig, Director of Office of Management and Budget, gave an overview that he and Andrea Bird, Assistant to the Director of Public Services, conducted on the site and development plan process and referenced the Executive Summary contained in the agenda which serves as a response to the formal complaint filed. It was noted that this review was not limited to an investigation of the Seminole Raceway Site and Development Plan approval, but also included an overall review of several site and development plans that were approved within the last twelve months. The review focused on the site and development process from pre-application to approval. Mr. Rosenzweig summarized the findings regarding the Seminole Raceway:

- Seminole Raceway parking standards application reflects a request for 383 parking spaces, but when staff actually counted the spaces, there were only 254
- Seminole Raceway FDOT Driveway Connection application contains a traffic analysis which utilizes a standard of 2.5 persons per vehicle. This is inconsistent with the information presented to the Leon County Parking Standards Committee; this would result in the need for 432 regular parking spaces
- The DRC approval letter regarding Seminole Raceway requires a number of conditions necessary for final approval. A number of conditions are not reflected on the final site and development plan. The conditions not corrected include, but are not limited to, noise attenuation fence, lighting orientation, and hours of operation on holidays
- Other issues of concern involve, but are not limited to, the type of surface for the parking area; encroachment into the National Forest for turn around at the end of the track; gravel in the pit parking area may allow for petroleum leakage into ground; lack of information relating to flow of traffic associated with check-in area; turn lane configuration on Blountstown Highway appears to be irregular and may not be approved by FDOT as currently proposed; and lack of traffic controls relating to return from track could be a possible safety issue
- Other issues related to special exception uses and active karst features were identified in the County Code as requiring revisions for clarification

Mr. Rosenzweig advised of the recommendations relating to Seminole Raceway:

- The approved site and development plan should not be able to proceed as currently submitted and the applicant must correct all inaccuracies and deficiencies
- The County Attorney's Office should review the language in Section 10-210 as it relates to karst features and determine the most appropriate revision

- The County Attorney's Office should review the Special Exceptions Section of the Code (Section 10-954 (e) allowing the Board of County Commissioners input in the process and determine appropriate revisions

Mr. Rosenzweig also went over other relevant findings and recommendations, which are outlined in the agenda material.

The following citizens appeared:

Ed Bruce, 240 Francis Maple Drive, Whispering Pine Community, stated that he was opposed to the racetrack in his area, that his neighborhood is 2/10ths of a mile from the center part of the existing racetrack. He stated that most people would not want it in their backyard and the majority of his neighbors do not want it. He suggested that it be placed 3 miles down the road from the current location, in the woods.

Don Axelrad, 6457 Fitz Lane, stated that the racetrack in the area is an example of incompatible land uses next to neighborhoods. He also indicated that the byproducts of racing and washing into a wetland could end up in drinking water.

County Attorney Thiele advised the Board about the legal situation involving this issue. He stated that the Administrative Law Judge ruled in favor of the County and now the matter has been taken to the Circuit Court level on a number of accounts. The matter is now pending since the Judge took the matter under advisement so it is in active litigation. Mr. Thiele recommended that the Board not discuss the merits of the matter, which are in litigation.

Becky Subrahmanyam, 1257 Cornerstone Lane, circulated information to the Board, which included her response to items in the report. She conceded that #9 in staff's response was adequate but indicated that the rest of the items were not correct. She selected various items in the report and compared them to the code and Comprehensive Plan. The following items are some of the concerns that Ms. Subrahmanyam raised:

- The stormwater pond will not capture water coming off of the racetrack but will flow downstream into the basin into a karst feature which will result in water pollution
- Fluids from the racecars will result in pollution
- The racetrack should meet present day stormwater code even though the racetrack has been at the site for years; the track has no legal non-conformity status therefore it did not get legal non-conformity relief (it resulted in abandonment of a non-conforming use)
- There is no proper buffer from the racetrack to the wetlands
- There is disagreement on whether or not the racetrack lies in a wetland
- Most of the time, there is water standing on the racetrack
- Anytime a use goes through a wetland, it must be reviewed by the Board of County Commissioners for permitting
- Referenced the matrix and indicated that recreational use, except for passive recreation, is not allowed in a wetland

Commissioner Rackleff stated that Mr. Wimberly, Seminole Racetrack, was not present to present his side of the issue since the agenda item involves the report. As a matter of fairness, he asked that public speakers limit their comments to the report.

Mr. Thiele explained that the issues raised by Mrs. Subrahmanyam involve administrative function and the application is still a Type B review and will have to go through the DRC (Development Review Committee) and staff review.

Commissioner Proctor referenced the study and noted that Oakridge Subdivision was mentioned. Mr. Thiele explained that staff, when conducting the review, looked at other site plans for consistency and comparative purpose and it was determined that there may have been an error with the level of review for Oakridge.

Mr. Thiele explained that staff anticipates that the Board will accept the report and request that staff implement the findings, which will involve subsequent agenda items.

C. B. Subrahmanyam, 1257 Cornerstone Lane, indicated that the report was an excellent report but noted that the eleven items that he and his wife brought to the Board in January 2003 had not been addressed. He explained that since he is an ecologist, he is familiar with ecological issues relative to this issue. He spoke on issues regarding contamination of water from gasoline from the racetrack and noted that a natural features inventory has not been done and it is located in a wetland. He concluded that from the standpoint of engineering, construction and environmental issues, the project cannot exist at the current site.

The Board continued discussion of this item until after the Public Hearing Items, starting with Item 25.

The Board resumed discussion of Item 21.

The following citizens also appeared:

Carol Kio-Green, 4823 Sullivan Road, referenced the report and allegations made by Mrs. Subrahmanyam as it relates to the code and the Comprehensive Plan. She spoke about karst features and asked that staff look over the last number of years to see if the code was interpreted incorrectly and land uses have been permitted to discharge stormwater runoff into karst features. She emphasized that if there is development permitted outside the legality of the laws, the problems should be fixed before the impact the water supply.

Nancy Miller, 16178 Sunray Road, asked if there were more of these types of situations in the County. She stated that there are currently automotive uses that will legally discharge into a karst feature. Ms. Miller suggested that a time limit be put on land uses that have been abandoned and then reactivated.

Angela Maige, 1250 Dove Roost Trail, expressed her opposition to the racetrack. She commended staff for their assistance.

Lorry Morrill, 1270 Cornerstone Lane, stated that she enjoys her home where it is peaceful and quiet and would like it to remain that way. She stated that she lives 4/10ths of a mile from the racetrack and urged the Board to not allow the racetrack.

Michele Burk, P. O. Box 763, Monticello, FL., 32345, stated that she and her husband drag race and support the racetrack. She pointed out that racers are careful about oil or gasoline on the tracks and precautions are taken.

Elmer Sheffield, 3765 Lakeview Drive, remarked on the following issues:

- Racetrack is not visible from anyone's back yard
- A sound test was conducted and there was no reading on the sound meter from the trailer park
- Most drag race cars have 4-5 gallons and they burn 2-3 gallons each run, so there be no spillage or pollution
- Alleged that Mr. Wimberly, Seminole Racetrack, has met has paid all fees, met all the requirements, and has gone through 2 ½ years of trying to get the track permitted and running
- The racetrack operated in previous years and the plan is to reopen it
- No homes are close to the project and it is mostly surrounded by trees
- If the drag strip meets the requirements, then it should proceed
- Since this is a Class B application, it should not even be before the Board

Tim O'Hara, citizen, appeared and stated that when the project first came forward, the main concern that citizens had was the sound and now it has escalated to other issues, and if allowed, other concerns would keep cropping up. He stated that there are only a few people who are opposed and there are many others who are proponents. Mr. O'Hara urged the Board to allow the racetrack to proceed.

Commissioner Sauls moved, duly seconded by Commissioner Rackleff to approve Option 1: Accept staff's report.

Commissioner Thaell stated that it appears to him from the report that there were some omissions that have been identified, which were not included such as the size and location of stormwater facilities (which he feels was an error on the part of the engineer for the applicant). He referred to the report which indicates that the applicant can resolve the site plan inconsistencies by modifying the site plan which in part involves adding parking spaces or reducing the number of approved seats. The applicant would have to decide on a minor modification or major modification. He also noted that regarding the site and development plan process, the report indicate that there does not appear to be a standard way the County implements the waiving of a requirement with documentation. This might be the most important finding in the report – there should be a standard way of approving waivers, i.e. documentation. Commissioner Thaell pointed out that it appears that honest

mistakes were made by both sides and requested that staff review the issue of discharge into the karst feature.

The Board engaged in a lengthy discussion regarding the possible resubmission of the application and the fees involved. Commissioner Sauls added to her motion that staff bring back a summary of the application and review the fees associated with resubmission. The motion carried unanimously, 6/0 (Commissioner Maloy was out of the Chambers).

22. Approval to Coordinate Senior-Focused Programs and Services at the County's Community Centers

Ms. Sheila Salyer, Executive Director of the TSC Foundation and Ms. Susan Davis, Senior Elder Services Coordinator, were present to provide information if needed.

Chairman Grippa requested that a location be found in the Southeast and Northeast areas for senior-based programs. Commissioner Proctor inquired about the type of programs that are offered to seniors. Ms. Davis explained that recreational programs are provided but the centers can select from a number of programs.

Commissioner Sauls moved, duly seconded by Commissioner Winchester and carried unanimously, 6/0 (Commissioner Maloy was out of the Chambers), to approve Option 1: Authorize the Senior Services Coordinator to continue collaboration with County Community Centers and the Senior Center to offer senior-focused programming in the unincorporated area.

23. Approval of the Voluntary Annexation to the City of Approximately Fifteen (15) Acres of Property, Located on Jim Lee Road, South and East of New Life Ministries Church

This item involves the review of the voluntary annexation proposal from the owner of approximately 15 acres located on Jim Lee Road and east of the New Life Ministries Church.

Commissioner Sauls moved, duly seconded by Commissioner Thael and carried unanimously, 6/0 (Commissioner Maloy was out of the Chambers), to approve Option 1: Do not object to the City annexation of the property.

24. Approval to Proceed with the Ordinance Adoption Process to Provide for the Establishment of Rural Road Designations with Associated Development and Regulatory Provisions in Bradfordville and Schedule the Required Public Hearings

Commissioner Winchester moved, duly seconded by Commissioner Thael to approve Options 1 and 2: 1) Authorize staff to submit the proposed Ordinance designating rural roads in the Bradfordville area to the Planning Commission for their June 11, 2003 agenda for a Comprehensive Plan consistency determination; 2) Schedule the required two public hearings for June 24, 2003 at

6:00 p.m. and July 8, 2003 at 6:00 p.m. to consider adoption of the proposed Ordinance designating rural roads in the Bradfordville area.

The motion carried unanimously, 6/0 (Commissioner Maloy was out of the Chambers).

Public Hearings

25. Public Hearing on a Proposed Ordinance Amending the Leon County Land Development Code to Reduce the Required Planning Commission Public Hearing Notification from Thirty Days to Fifteen Days.

Pursuant to the following legal advertisement, a public hearing was conducted. The proposed ordinance would reduce the required advertisement period in a newspaper of general circulation for Planning Commission Public Hearings on rezonings and land development code changes from 30 to 15 calendar days.

Commissioner Thael moved, duly seconded by Commissioner Maloy and carried unanimously, 7/0, to approve Option 1: Conduct the public hearing and adopt the proposed ordinance, amending Chapter 10, Article X, Division 2, Section 10-840, "Procedures for ordinance and official zoning map amendments – Generally" of the Leon County Land Development Code.

See attached Leon County Ordinance Number 03-14:

26. Public Hearing for the Pre-Application for Authorization of a Service Area to Operate a Sewer System Serving Properties Located North of Crowder Road and Between North Monroe Street

Pursuant to legal advertisement, a public hearing was conducted. Talquin Electric Cooperative, Inc., has applied to the Board of County Commissioners of Leon County, Florida for authorization of a service area to operate a sewer system serving properties located north of Crowder Road and between North Monroe Street and Wigginton Road (Marvin Street aka. Home Court).

Mr. Mark Stamps, Talquin Electric Cooperative, Inc., responded to queries from the Board and explained that the area was located south of Tower Road and west of Capital Circle and the water receives secondary treatment. Commissioner Rackleff wanted to know if there were plans to expand that to tertiary treatment and Mr. Stamps responded that there were no plans and normally that would be regulated by the State Department of Environmental Protection. It is a half million gallon per day plant and traditionally on a plant that small, the tertiary treatment is not required.

Commissioner Winchester stated that there appears to be a gap in the provision of services around the Talpeco Drive/U.S. 27 corridor which does not have City sewer service. Mr. Stamps advised that generally speaking, the dividing line between the City of Tallahassee and Talquin is Crowder Road; north of Crowder is Talquin, with the exception of Park Hill Subdivision; south of Crowder Road is the City. Commissioner Winchester requested that staff investigate the status of sewer availability along the U. S. 27 corridor, south of the subject site, up to and including Talpeco Drive.

Commissioner Thael moved, duly seconded by Commissioner Sauls and carried unanimously, 7/0 to approve Option 1: Conduct the public hearing and approve the pre-application for authorization of a service area to operate a sewer system serving properties located north of Crowder Road and between North Monroe Street and Wigginton Road.

The Board then entered discussion regarding Item 20.

County Attorney

Add-On Item Re: Acknowledgement of Contract to Sell Former Lauder Property to Rick Kearney

County Attorney Thiele explained that this item is the result of the negotiated contract with Rick Kearney to sell the former Lauder Property. He stated that over a lengthy period of time the parties have attempted to negotiate the agreement in accord with the County's settlement agreements and in accordance with bid and he opined that the contract before the Board meets all the criteria. It has been agreed to by Mr. Kearney and is before the Board to ratify.

Chairman Grippa explained that this is the property that the Board purchased for \$5.275 million and will be selling it for \$5.4 million plus the County will have the stormwater pond and Mr. Kearney will have to meet the requirements in the

sector plan so the maximum square footage allowed for office and commercial is approximately 84,000 square feet. Mr. Thiele added that the County also gets to keep the 6-acre park and the 1.5-acre for the school plus 1.5-acre surrounding the pond for future improvements if necessary.

George E. Lewis, II, 203 North Gadsden Street, #6, appeared and expressed the following concerns:

- Is the property really sold yet? There appears to be new things in the contract that did not appear in the April 23, May 28, July 9, and July 23, 2002 (which authorized bids) agenda package when the item was discussed by the Board
- The bid indicates that a portion of the property may be used for a church but there cannot be any day schools, cemeteries, adult congregate living facility, etc., yet the contract does not mention that
- The advertisement for the bid stated that the density for residential is restricted to one dwelling unit per 10 acres. The contract says "subject to restrictive covenants as approved by the buyer"
- The bid states that not more than 12 acres may be developed as commercial use; the contract uses square footage
- This agenda is the first mention of the buyer using the County stormwater pond
- The contract does not limit the density on the residential part
- The bid indicated that there would be a closing within 30 days after the bid is accepted; the contract states that closing shall occur on or before 45 days from the date that all closing conditions have been met; if they have not been met within 200 days, the buyer can get out
- This is the first time of any mention of the relief of an easement for the park and ride facility - alleged that there was an invalid citation in the contract to the OR books (page does not exist)
- Contract indicates that the seller shall grant the buyer a 60-foot perpetual easement – this is not in the bid
- Written confirmation of the seller's extension to previously approved submitted natural features inventory is not in the bid, but is in the contract
- Seller's issuance of site and development plan approval is not in the bid, but is in the contract
- Additional division: "commercial lots subdivided by out-parcels completed prior to closing means the County has to be the applicant" is not in the bid but is in the contract
- Boundary line adjustments are not in the bid but are in the contract
- "All modifications to the current property subdivision, boundary settlement, are to be completed by the buyer prior to closing" is not in the bid
- The approved site plan, the public facilities plan, the concurrency certificate is not in the bid

Mr. Lewis raised the questions: Is the County violating the agreement with one of the parties that sued the County? He stated that if the Board is giving those kind of guarantees to the buyer, it sounds like the buyer wants everything pre-approved, the County may not have gotten top dollar for the property. He stated that the sell was to have taken place within 30 days following the bid instructions and the contract is so loaded down that anyone in the development community would like this kind of deal. What is the

County doing with the public's assets and where are the assurances the Board needs before signing a contract?

County Attorney Thiele assured the Board of the terms and conditions including the requirements of the RFP for bid and requirements in the settlement agreements; staff and Mr. Kearney are well aware of them and they understand that the vehicle that will be used to enforce all of those conditions is the site development plan approval to be done in accordance with all of these things; once that is approved as the vehicle, then all of the restrictions, covenants and all of those things will be recorded and the items will be taken care of.

Mr. Thiele explained that the bid included the minimum parameters of the land uses that the Board was willing to accept and those are included in the contract but other real estate transaction issues were not in the bid; the contract is not required to be in the bid advertisement. Mr. Thiele also advised that the deed restrictions would be recorded simultaneously with the closing.

Mr. Thiele advised the Board that the site plan and the contract will not allow more than 12 acres of commercial at 84 – 85,000 square feet (the site plan on file which is being finalized shows no more than 12 acres); the County will get a 6-acre passive park with access through the commercial facility; the County will have a one acre facility for the school; the residential component will be 10 acres and the other section next to the stormwater pond (1.5 acres) will be conveyed to the County; and the other portion is for a church and school with the restrictions.

Commissioner Sauls inquired why the item came to the Board as an add-on item. Mr. Thiele stated that the Board awarded the bid and the contract matches the requirements, which are in the bid and more; but the Chairman thought it would be prudent for the Board to review it.

Commissioner Rackleff moved, duly seconded by Commissioner Winchester and carried unanimously, 6/0 (Commissioner Maloy was out of Chambers), to approve Option 1: Acknowledge receipt of and authorize execution of the attached Purchase and Sale Agreement between Leon County and Rick Kearney:

Citizens to Be Heard

Carol Kio-Green, 4823 Sullivan Road, appeared and discussed Item 21 (Site and Development Plan Process) and indicated that certain things were not looked into in depth as other issues on the site plan and felt they should be addressed. She also advised that the standards that need to be in place for waivers (i.e. intent and application) should be clearly spelled out in the Comp Plan and that it never was the Board's intent to allow staff to waive legal requirements that are applicable to development. She alleged that even though there is no documentation, some items were waived which are required by law such as natural features inventory and environmental analysis which is required for the entire parcel. Ms. Kio-Green referred to the Comp Plan, Conservation and Preservation Element Policy 1.1.1 and read the last sentence. She suggested that the Board put in place standards or specify things that can be addressed for a waiver and advised that the County should not allow waiver of things that could have potential negative impacts.

Chairman Grippa reported, for the record, that the Board requested the County Administrator to conduct a full and thorough investigation. Mr. Alam explained that to his knowledge a complete report was provided on the site and development plan process; staff recognized that there was a problem and it is being addressed.

Commissioner Winchester wanted to be certain that the Board is clear in their direction to staff, that the process does not result in overreaction and being more stringent than necessary; and that flexibility is taken out of the process. He emphasized the importance of allowing professional staff to make internal decisions, have difference of opinions, and to have flexibility although there should be standards for parameters because legal requirements should not be waived. County Administrator Alam concurred with Commissioner Winchester's comments and added that his main concern was that the flexibility and decision-making process would be taken out and the system would be bogged down and it would be difficult for permits to be issued. He stated that there are judgements that need to be made throughout the process.

Commissioner Proctor also referred to Item 21 and asked, for the record, if this was an investigation or if it was an audit; he felt that an audit was a way to review the process while an investigation implied wrongdoing. Chairman Grippa responded that a review of the process (site and development review) was conducted and there was no implication that there is any mal-intent by staff; there may have been mistakes and if there were, they would be corrected as noted in the report. Commissioner Proctor pointed out that he did not have the draft information that Ms. Kio-Green referenced and Mr. Alam explained that there was voluminous information on the issue and it was available and could be provided.

County Attorney

Congratulated his eldest son who would be graduating from Chiles High School on May 29, 2003, and would be attending FSU and running track in the fall.

Discussion Items by Commissioners

Chairman Thael

- a. Requested a resolution to honor Duncan Moore's tenure of service (17 years) at Tallahassee Memorial Hospital.
- b. Requested a status report on the calibration of the all the aquifer studies that are being conducted in the southeast by the City, the County, USGS, DEP, and NFWFMD. Commissioner Thael stated that there are long-standing flooding problems on Buck Lake road and an appropriate site should be selected on the eastside to place regional stormwater ponds to address the problems.
- c. Reported that he received a request from Minnie Johnson who lives on Homewood Road, near the Road to the Lake, and she needs a CO (certificate of occupancy) on her home at Lafayette Cove Road. She has been in the process of building the home for five years and needs help from the housing assistance program to obtain a septic tank. Commissioner Thael circulated information to the County Administrator.

Commissioner Proctor

Advised that statistics prove that five new computers are needed at the B. L. Perry Library and suggested that staff provide them.

Commissioner Rackleff

- a. Gave a brief update on the eastern transmission line, which the City is proposing to build from its existing grid up to Welaunee. Commissioner Rackleff stated that he has been in sustained contact with the City about the route and the preferred route is Mahan Drive and even though it would have the least negative impact, the City needs to make every effort to construct the line in such a way that leaves the tree buffer. The Board engaged in some discussion about the size of poles and having an underground route for the transmission line. Commissioner Rackleff pointed out that it is a lot more expensive for underground lines. The Board requested that staff bring back information on the cost difference.
- b. Asked staff about the problems and solutions for the odor and spillage from the transfer station. Staff will provide information on this at the next Board meeting, June 10, 2003.
- c. Requested a resolution for Sandy D'Alemberte who is celebrating his 70th Birthday at the American Legion Hall on Sunday Afternoon. Commissioner Rackleff will present it to him at that time. The Board concurred.

Commissioner Sauls

- a. Advised that a few weeks ago, she requested that staff bring back information regarding a proposal from Millard Noblin about 700 acres in the Woodville area. Commissioner Sauls requested that staff investigate the issue and provide status.
- b. Noted her concern with the odor from the transfer station and reminded the Board about the promises made to nearby residents and hopes that staff can remedy the problems and ensure that it does not reoccur.

Commissioner Winchester

- a. Also noted the problem with the odor from the transfer station and emphasized the importance of correcting the problem
- b. Stated that he is still waiting for the Lake Jackson retrofit ponds and the Okeeheepkee project update.
- c. Requested a retirement resolution for Gail Bass, Veteran's Services.
- d. Referenced the recent domestic violence case that was reported in the newspaper. Commissioner Winchester explained that the perpetrator was out of jail on the GPS monitoring system. He voiced concern that a violent person was released under the monitoring system. Chairman Grippa stated that he planned to bring this item up under his discussion items and asked that an agenda item and report be brought back to the Board to include the following issues:
 - Investigation of the pre-trial release program, i.e, relative statistics – how many people does Leon County pre-trial; how does it compare to the other five counties in the region; how many pre-trials result in reoccurrence the criminal system
 - How much of the Sheriff's time is spent tracking the person down
 - How was the person released
 - What was the score on the veri-point system through the pre-trial program (noting that the County's veri-point system is not the same as the State's veri-point system, but is a modified veri-point system)
 - Cost per year for pre-trial release
 - Chairman Grippa noted that Leon County's Pre-trial Release Program is used more often than any other county in the state
 - Commissioner Winchester indicated that pre-trial release should be used only on non-violent cases.

The Chairman advised that he has provided a list of issues to Kim Dressel, Management Services, and a full report would be provided. Commissioner Proctor asked that he serve as Chairperson of the Public Safety Coordinating Council to piggyback on some questions that he would like addressed by Ms. Dressel. The Chairman advised that the County Administrator would bring back information as requested.

As liaison with the court system, Commissioner Thael reported that he met with the soon-to-be Chief Judge Francis this past week concerning the issue of restorative justice programs and how to obtain some judicial support for restorative justice concepts. Judge Francis provided him with some ideas and Commissioner Thael is working on them and will discuss the ideas with State Attorney Meggs. He remarked that the State Attorney and the judicial branch must be concurrent with the concept or it would not work. He would attempt to bring back a report.

Commissioner Thaeli advised that he also talked to Judge Francis about the legislative impacts on the court system and what the County would be faced with within the next couple of months, during budget decisions.

Chairman Grippa

- a. Noted that Memorial Day was an important day for the people who have sacrificed for this country, particularly for the U. S. Troops overseas.
- b. Noted that the Intergovernmental Agency (IA, Blueprint 2000) and MPO Meeting is scheduled for June 16, 2003. City Commissioner Lightsey requested that the MPO meeting be cancelled and Chairman Grippa requested that Commissioner Rackleff, Chairman of the IA, consider rescheduling the IA meeting since Chairman Grippa and City Commissioner Katz cannot attend. It was noted that it is also the week of the FAC (Florida Association of Counties). Commissioner Rackleff will check and advise the County Administrator tomorrow about rescheduling.
- c. Stated that he is looking for an update on the joint stormwater issue; six months ago the idea of a formula based on impervious surface was sent to staff to review. The Chairman requested that staff provide an update in a couple of weeks. County Administrator Alam stated that nothing has been done on the issue at this time and Chairman Grippa asked that staff start on the project as soon as possible.
- d. Requested that Killearn Lakes purchase property list be provided. Chairman Grippa stated that he has received calls from constituents who were on the list and now have been removed.
- e. In memory of Scott Dailey, Chairman Grippa read a poem by Ralph Waldo Emerson:

Laugh often and much
To win the respect of intelligent people and the affection of children
To earn the appreciation of honest critics
And endure the betrayal of false friends
To appreciate beauty
To find the best in others
To leave the world a little bit better
Whether by healthy child
A garden patch
Or redeemed social condition
To know even one life has breathed easier because you have lived
This is to have succeeded
In Memory of Scott Dailey

Commissioner Sauls moved, duly seconded by Commissioner Rackleff and carried unanimously, 6/0 (Commissioner Maloy was out of the Chambers), to adjourn the meeting at 8:45 p.m.

APPROVED: _____
Tony Grippa
Chairman

ATTEST:

Bob Inzer
Clerk of the Circuit Court